

ORDINANCE NO. 09-27

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW REPLATTING OF PROPERTY INTO TWO SINGLE-FAMILY SUBSTANDARD-SIZED LOTS: ONE LOT HAVING A FRONTAGE OF 68 FEET, MORE OR LESS, WHERE AT LEAST 75 FEET ARE REQUIRED, A DEPTH OF 89.69 FEET, WHERE AT LEAST 100 FEET ARE REQUIRED, A TOTAL AREA OF 5,964 SQUARE FEET, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, AND ALLOWING THE SINGLE-FAMILY RESIDENCE TO REMAIN ON THE LOT HAVING A REAR SETBACK OF 5.2 FEET, WHERE 20 FEET ARE REQUIRED, AND THE SECOND LOT HAVING A FRONTAGE OF 45 FEET, MORE OR LESS, WHERE AT LEAST 75 FEET ARE REQUIRED, A DEPTH OF 68 FEET, MORE OR LESS, WHERE AT LEAST 100 FEET ARE REQUIRED, A TOTAL AREA OF 3,060 SQUARE FEET, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, AND ALLOWING A RESIDENCE WITH A FLOOR AREA OF 883 SQUARE FEET, WHERE A MINIMUM OF 1,000 SQUARE FEET ARE REQUIRED, WITH A FRONT SETBACK OF 14.9 FEET, WHERE 20 FEET ARE REQUIRED, AND A REAR SETBACK OF 9 FEET, WHERE 20 FEET ARE REQUIRED, AND A SOUTH SIDE SETBACK OF 4.6 FEET, WHERE AT LEAST 5.1 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-499, 98-500, 98-501, 98-502, AND 98-503. **PROPERTY LOCATED AT 96 EAST 59 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of March 11, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow replatting of property into two substandard-sized lots, one lot having a frontage of 68 feet, more or less, where at least 75 feet are required, a depth of 89.69 feet, where at least 100 feet are required, a total area of 5,964 square feet, where at least 7,500 square feet are required, and allowing the single-family residence to remain on the lot having a rear setback of 5.2 feet, where 20 feet are required, and the second lot having a frontage of 45 feet, more or less, where at least 100 feet are required, a total area of 3,060 square feet, where at least 7,500 square feet are required, and allowing a residence with a floor area of 883 square feet, where a minimum of 1,000 square feet are required, with a front setback of 14.9 feet, where 20 feet are required, and a rear setback of 9 feet, where 20 feet are required, and a south side setback of 4.6 feet, where at least 5.1 feet are required, contra to Hialeah Code §§ 98-499, 98-500, 98-501, 98-502, and 98-503 which provide in pertinent part: “The minimum building site in the R-1 one-family district shall be on lot . . . containing at least 7,500 square feet for each one-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet.”, “In the R-1 family district, there shall be a front yard depth not less than 20 feet”, “In the R-1 family district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than five feet one inch”, “In the R-1 family district, very principal residential building shall provide a rear yard of a minimum depth of 20 feet”, and “In the R-1 family district, the minimum ground floor area of single-family residences...shall be

1,000 square feet.”. Property located at 96 East 59 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 One Family District, and legally described as follows:

LOT 19 LESS THE WEST 12 FEET AND ALL OF LOT 20, IN BLOCK 5, AND THE NORTH ½ OF THE 10-FOOT ALLEY LYING SOUTH AND ADJACENT THERETO, CLOSED AND VACATED FOR PUBLIC USE PURSUANT TO HIALEAH, FLA., ORDINANCE 94-07 (JAN. 25, 1994), OF PALM AVENUE HIGHLANDS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGE 35, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 14th day of April, 2009.

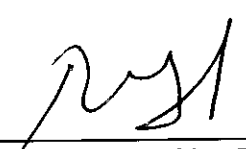
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



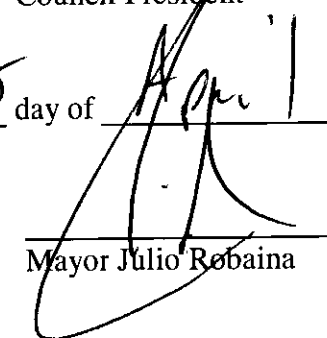
Carlos Hernandez
Council President

Attest:

Approved on this 15 day of April, 2009.

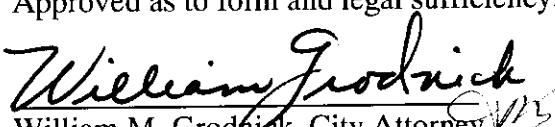


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-1 vote with Councilmembers, Caragol, Cue, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes", and Councilmember Casals-Muñoz abstained.